IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 24TH NOVEMBER 2006 / 3RD AGRAHAYANA 1928

WP(C).No. 31214 of 2006(N)

PETITIONER:

C.V.RAGHAVAN, S/O.VAVA, CHINGASSERI,
KAITHARAM, NORTH PARAVUR

BY ADV. SRI.S.V.BALAKRISHNA IYER
SRI.K.JAYAKUMAR
SRI.P.B.KRISHNAN

RESPONDENTS:

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1. THE PARAVUR SCHEDULED CASTE-SCHEDULED TRIBE M.P.C.S. LTD. NO.3.569, NORTH PARAVUR – 683 513

2. THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES, NORTH PARAVUR

BY SENIOR GOVERNMENT PLEADER, SRI P.N.SANTHOSH

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 24/11/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.M.JAMES, J.

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W.P.(C) No. 31214 of 2006 (N)

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Dated this the 24th day of November, 2006

J U D G M E N T

The writ petitioner entered into an agreement for purchase of a property extending to 6.74 acres comprised in various survey numbers of Kottuvalli Village, for an amount of Rs.26,96,000/-. The counsel submits that the writ petitioner had paid an advance amount of Rs.6,00,000/- on 09/03/2006 and he was prepared to pay the balance amount within the period stipulated in the agreement. However, it is complained of by the writ petitioner that because of the extraneous reasons, the first respondent has refused to receive the balance amount from the writ petitioner and he is also attempting to sell the property in favour of a third party. Immediately on knowing the same, the petitioner made Exhibit P4 representation dated 06/11/2006 before the second respondent. The same is pending before the second respondent without taking any action on it. In such circumstances, the writ petitioner is before this Court praying, inter alia, to direct the second respondent to take appropriate

action on Exhibit P4 representation, not to enter into any agreement for sale of Exhibit P1 property with any third parties, not to induct strangers into the property and for other remedies.

2. I heard the arguments advanced by the learned counsel Mr.S.V.Balakrishna Iyer and also the Senior Government Pleader.

3. Exhibit P4 is pending with the second respondent. During the hearing the learned counsel for the writ petitioner submitted that there is an attempt even to give possession of a portion of the property, which is covered under an agreement with the writ petitioner.

4. Rule 54(2) of the Kerala Co-operative Societies Rules 1969, lays down that a Society, before the disposal of the immovable property acquired by it, shall obtain prior sanction of the General Body and of the Registrar. Thus the first respondent Society, not being a housing society, such a sanction from the General Body and Registrar is necessary. There is no material now to show that such sanction was obtained by the first respondent.

5. Without entering into any discussion on the

merits of the matter, I direct the second respondent to immediately dispose of Exhibit P4 representation pending with him and, he shall also inquire whether the first respondent has proceeded according to Rule 54(2) of the Rules. Exhibit P4 shall be disposed of as early as possible, and in any case, within two weeks from the date of receipt of the copy of the judgment.

6. I make it clear that the second respondent shall protect the interest of the writ petitioner, as the first respondent had already received a part payment, being the sale consideration of the property and pass such orders so that the matters relating to the sale of the property of 6.74 acres belonging to the first respondent is not precipitated because of the high handed actions of the Managing Committee of the first respondent Society.

The writ petition is closed as above.

(J.M.JAMES)
Judge

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